

In an action of slander, the plaintiff, in order to establish malice, may prove declarations made by defendant more than a year prior to suit, since limitations applies to cause of action and not to evidence. *Boteler v. Bell*, 1 Md. 178.

A suit against a railway company for injury caused by collision is not an action for assault to be brought within one year. *City Pass. Ry. Co. v. Tanner*, 90 Md. 317.

A plaintiff in ejectment must show a legal title and right of possession not barred by the statute of limitations. *Joseph v. Bonaparte*, 118 Md. 593.

In *Grant v. Beall*, 4 H. & McH. 419, it was held that statute was not a bar to a suit against an agent for money received more than three years prior to suit, but that case was overruled on this point in *Green v. Johnson*, 3 G. & J. 397.

Limitations is no defense to an action against a sheriff for a false return. *Newcomer v. Keedy*, 2 Md. 25.

The statute is no bar to an action on the case against a sheriff for an escape. *French v. O'Neale*, 2 H. & McH. 401.

This section has no application to an action of *assumpsit* for taxes—see art. 81, sec. 160. *Gunther v. Baltimore*, 55 Md. 462.

The application of this section to a riot (even before act of 1867, ch 282), questioned—see art. 82, sec. 2. *Hagerstown v. Sehner*, 37 Md. 190.

*Re.* limitations in suits for negligence causing death, see art. 67, sec. 2, and notes.

*Re.* limitations applicable to ground-rents in arrear, see art. 53, secs. 24 and 25.

As to the conclusive presumption of the renewal of a lease for 99 years renewable forever, upon possession by lessee for 12 months after such lease expires, see art. 21, sec. 113.

A will cannot be caveated after three years from probate—art. 93, sec. 357.

*Re.* barring a claim presented to an administrator and rejected, see art. 93, sec. 112.

As to time within which creditors must attack conveyances from husband to wife, see art. 45, sec. 1.

#### Running accounts.

The operation of the statute is prevented by running of mutual accounts, if some of items are within statutory period. When accounts are not mutual. *Webster v. Byrnes*, 32 Md. 89.

Fact that one item in an account is within three years, does not withdraw whole account from operation of statute. *Sprogle v. Allen*, 38 Md. 335.

#### Effect of an amendment of the declaration.

The general rule is that where limitations is not a bar before suit brought, an amendment of declaration *when cause of action remains the same* will not warrant filing of plea of limitations, although period has then expired, and this is true though original declaration is bad on demurrer; *contra*, when amendment changes cause of action. *Zier v. Chesapeake Ry. Co.*, 98 Md. 37; *Western Union Co. v. Nelson*, 82 Md. 293; *Hamilton v. Thirston*, 94 Md. 256; *Wolf v. Bauereis*, 72 Md. 488; *Schulze v. Fox*, 53 Md. 41; *State v. Green*, 4 G. & J. 384.

The statute does not apply to a suit on a note brought within a year after its maturity, declaration being amended more than three years after its maturity. *Ham-burger v. Paul*, 51 Md. 229. See also *Wolf v. Bauereis*, 72 Md. 488.

When a suit is a new one, and when it is a continuation of an old one. *White v. Joyce*, 158 U. S. 128.

Where an amended declaration introduces a new or different cause of action, and makes a different claim or demand, it is equivalent to a new suit, and opens case to bar of statute of limitations. Pleas of limitations held sufficient. *Spencer v. B. & O. R. R. Co.*, 126 Md. 200. And see *W. B. & A. R. R. Co. v. Moss*, 130 Md. 204.

#### Application of the statute.

The plaintiff's ignorance of his rights does not affect application of statute. Mere knowledge of an adverse claim by defendant does not operate as a bar; there must be such an act of invasion of rights of plaintiff as gives him a cause of action. *Abell v. Harris*, 11 G. & J. 371.

There is no principle of limitation except that recognized in statutes or adopted in analogy thereto, which limits duration of lien such as that given city authorities against abutting property for grading and paving streets. Limitations is not applicable to such lien. *Eschbach v. Pitts*, 6 Md. 76.

This section has no application to a legacy made a charge on lands. *Greenwood v. Greenwood*, 5 Md. 336; *Crawford v. Severson*, 5 Gill, 448. See also *Ward v. Reeder*, 2 H. & McH. 154; *Ogle v. Taylor*, 49 Md. 176.

Municipal corporations, including the District of Columbia, held to come within application of this section. The fact that duty which defendant failed to perform, and which failure gave rise to suit, is a statutory one does not defeat operation of this section. *Metropolitan Road v. District of Columbia*, 132 U. S. 1; *District of Columbia v. Woodbury*, 136 U. S. 457.

Where a husband promises to pay his wife for money collected from sale of her land, statute becomes a bar just as in case of any other debt. *Sabel v. Slingluff*, 52 Md. 135.